

Application No.: 09/822,965

Docket No.: 220002059710

REMARKS

Claims 14 and 18-20 are pending in this application. Claims 14, 18, and 20 were allowed. Claim 19 was rejected under 35 U.S.C. § 112, first paragraph.

By this amendment, claim 19 has been amended without prejudice or disclaimer of any previously claimed subject matter. Support for the amendment can be found, *inter alia*, throughout the specification, for example, at page 8, lines 9-14, page 15, lines 26-27, and in original claim 19. The amendments are made solely to promote prosecution without prejudice or disclaimer of any previously claimed subject matter. With respect to all amendments and cancelled claims, Applicants have not dedicated or abandoned any unclaimed subject matter and moreover have not acquiesced to any rejections and/or objections made by the Patent Office. Applicants expressly reserve the right to pursue prosecution of any presently excluded subject matter or claim embodiments in one or more future continuation and/or divisional application(s).

Claim 19 was rejected under 35 U.S.C. § 112, first paragraph, for allegedly failing to comply with the written description requirement. Applicants respectfully traverse this rejection.

Although Applicants submit that the specification conveys possession of the claimed invention to the skilled artisan, Applicants have herein amended claim 19 in an attempt to address the Examiner's concerns in order to expedite prosecution of the application. Claim 19 is directed to a polypeptide comprising the amino acid sequence of a proteoglycan⁻ receptor⁺ mutation in Site B of apo-B100 protein flanked on at least one side by the contiguous sequence of at least 10 amino acids which is directly adjacent to Site B in the wild-type human apo B-100 protein. Thus, the claimed polypeptide comprises a sequence of at least 22 amino acids from the mutant Site B and the directly adjacent wild type sequences of the human apo B-100 protein.

In sum, Applicants submit that the pending claims fall within the subject matter that is described by the specification. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejections under 35 U.S.C. § 112, first paragraph.

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In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 220002059710. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: May 6, 2005

Respectfully submitted,

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